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REMARKS

Abstract

The abstract was objected to. The abstract has been amended so as to correct for the noted informality, in particular by removing the term "means" from the abstract.

Status of Claims

Claim 7 has been objected to due to a linguistic informality, and it has been noted that claims 10 to 12 were misnumbered.

Claims 1 to 11 have been rejected under 35USC102(e) for lack of novelty over US2001/0024434 (Ayyagari), hereinafter referred to as Ayyagari.

Claim 1

Claim 1 has been limited so as to clearly distinguish over the cited art. Amended Claim 1 is distinguished over Ayyagari at least by the requirement of "the controller being operative to allocate a data transmission rate for traffic from user nodes via the relay node to user nodes which is twice that for traffic via the relay node into or out of the network" (emphasis added).

This feature is neither taught nor suggested by Ayyagari. Ayyagari discloses (see its abstract) a controller ("SBM") which allocates bandwidth for the user nodes via the relay node. However Ayyagari does not disclose or suggest allocating a bandwidth level for traffic between the user nodes via the relay node of twice that for traffic via the relay node into or out of the network.

This feature makes maximum use of available bandwidth resulting in higher data throughput through the relay.

Accordingly, amended claim 1 is patentably distinguished to the standard of 35USC102 and 103.

Some relatively minor clarifications of wording have also been made to claim 1.

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Independent Claims 7 and 9

Independent claims 7 and 9 have been amended in line with claim 1 and is distinguished over the cited art on the same basis.

The wording informality in claim 7 noted by the Examiner has been corrected.

Previous claim 10 has been correctly numbered as claim 9.

Dependent Claims

Previous dependent claims 11 and 12 have been correctly numbered as claims 10 and 11 with claim dependencies corrected accordingly.

The dependent claims are each patentable not least on the basis that they each depend on an allowable independent claim.

Conclusion

In view of the foregoing, allowance of all of the claims presently in the application is respectfully requested, as is passage to issuance of the application. If the Examiner should feel that the application is not yet in a condition for allowance and that a telephone interview would be useful, he is invited to contact Applicants' undersigned attorney at 732 949-9742.

Respectfully submitted,



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